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June 23, 2017

(Via ECF)

Hon. Daniel J. Stewart
U.S. Magistrate Judge
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

**Re: Oliver v. NYS Police
15-cv-444 (BKS)(DJS)**

Dear Judge Stewart:

My office represents Jean Oliver, the Plaintiff in the above-referenced matter. This is now Defendants' fifth request (Dkt. 65, 68, 70, 73, 75) to extend the time to answer Plaintiff's Second Amended Complaint (Dkt. 37) following this Court's decision on their motion to dismiss, dated March 24, 2017 (Dkt. 63). Defendants first extension request came on April 7, 2017, when they initially stated their answer was due. It is now June 23, 2017 and Defendants are seeking another extension until August 15, 2017 to answer. In the normal course, pursuant to FRCP 12(a)(1)(A)(i), an answer would be due 21 days after the filing of a complaint. At the time of their most recent request, Defendant still had 25 days to answer from the prior extension, which gave Defendants until July 17, 2017 to answer. That is already more time than any other defendant, except the federal government, would get to answer a complaint.

Moreover, based on Defendants' own prior submissions, there has been no recognizable change between their fourth and fifth extension requests. Defendants stated in their May 31, 2017 letter that the Office of the Attorney General ("OAG") could not represent Defendants and they were in the process of obtaining outside counsel. In their most recent letter, dated June 22, 2017, Defendants repeated the same reason for an extension, that there is a need for outside counsel and that they were in the process of retaining outside counsel to represent them. Most defendants would have been able to locate an attorney and answer in the time between Defendants fourth and fifth requests for an extension, but these Defendants keep delaying. The OAG has represented Defendants from the beginning. It filed lengthy motions to dismiss on all of their behalf's. Plus, I have been informed that the OAG continues to represent some of the Defendants in actions Plaintiff has pending, *pro se*, in other venues. I am not questioning the OAG's determination that outside counsel is necessary as this matter proceeds, but the timing of the revelation and the continued extension requests is unnecessarily and prejudicially delaying this proceeding. The OAG is fully capable of answering on Defendants' behalf.

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Therefore, Plaintiff respectfully requests that Defendants extension request be denied.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

s/Harvey P. Sanders

Harvey P. Sanders, Esq.

cc: John F. Moore, Esq. (via ECF)